

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

IRA HOLTZMAN, individually and as the)
representative of a class of similarly-situated)
persons,)
Plaintiff,) **No. 07 CV 7279**
) **Judge Manning**
v.) **Magistrate Judge Cole**
) **MICHAEL P. CAPLICE, d/b/a M. P.**)
CAPLICE & ASSOCIATES,)
) **Defendant.**)

JOINT PROPOSED SCHEDULING ORDER
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 16(b)
AND PROPOSED DISCOVERY PLAN PURSUANT TO RULE 26(f)

Plaintiff, IRA HOLTZMAN (hereinafter “Holtzman”), by and through his attorneys, ANDERSON + WANCA and BOCK & HATCH, LLC, and Defendant, MICHAEL P. CAPLICE d/b/a M.P. CAPLICE & ASSOCIATES (hereinafter “Caplice”), by and through his attorneys, CLAUSEN MILLER P.C., present this Joint Proposed Scheduling Order and Discovery Plan pursuant to the Honorable Judge Manning’s procedures. The parties state as follows:

1. That attorneys for Plaintiff Holtzman are Anderson + Wanca and Bock & Hatch, LLC.
2. The attorneys for Defendant Caplice are Robert L. Reifenberg and Maria Z. Vathis of Clausen Miller P.C.
3. This is a civil action over which the District Courts of the United States have original jurisdiction as provided in 28 U.S.C. §1331, because Defendant asserts that a federal question exists. Plaintiff does not agree that federal question jurisdiction exists and reserves its rights to contest subject matter jurisdiction.

4. The Plaintiff's Complaint is based on an alleged violation of Telephone Consumer Protection Act, 47 U.S.C. §227.

PLAINTIFF'S ALLEGATIONS

5. Plaintiff alleges that Defendant violated the Telephone Consumer Protection Act, 47 U.S.C. §227, by sending an unsolicited commercial facsimile.

6. Defendant expects this matter to have a jury trial. Plaintiff does not expect a jury trial. Plaintiff asserts that jury trial is not available for TCPA actions.

7. All parties will be joined by January 30, 2009.

8. Any amendments to pleadings will be completed by January 30, 2009.

9. To date, the parties have exchanged Rule 26(a) Disclosures. However, Defendant has failed to produce the documents identified in its disclosures.

a. The parties will propound written discovery by June 25, 2008.

b. The parties will answer written discovery by July 25, 2008.

c. Fact discovery is to be completed by January 30, 2009.

d. Plaintiff's experts will be disclosed by January 30, 2009.

e. Plaintiff's experts will be deposed by February 28, 2009.

f. Defendant's experts will be disclosed by March 16, 2009.

g. Defendant's experts will be deposed by April 17, 2009.

10. Plaintiff will file its Rule 23 Motion on or before April 30, 2009.

11. The parties request a status after class certification is answered.

12. The parties do not unanimously consent to proceed before the Magistrate Judge.

13. Plaintiff does not believe that it is possible to discuss settlement of this matter until discovery has been answered. Defendant is open to the possibility of settlement at this time.

Respectfully submitted,

IRA HOLTZMAN, individually and
as the representative of a class of
similarly-situated persons

MICHAEL P. CAPLICE, d/b/a
M. CAPLICE & ASSOCIATES

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One of the Attorneys for Defendant
MICHAEL P. CAPLICE, d/b/a
M. P. CAPLICE & ASSOCIATES

CERTIFICATE OF SERVICE

On **June 16, 2008**, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record.

By: /s/ Maria Z. Vathis
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